

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

ANTHONY DeWAYNE PARKER,

Plaintiff,

VS.

JOHN D. FERGUSON, ET AL.,

Defendants.

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No. 05-1360-T/An

ORDER DENYING MOTION FOR RECONSIDERATION

Plaintiff Anthony DeWayne Parker, Tennessee Department of Correction prisoner number 129434, an inmate at the Hardeman County Correctional Facility in Whiteville, Tennessee, filed a *pro se* complaint pursuant to 42 U.S.C. § 1983 on November 21, 2005, along with a motion for leave to proceed *in forma pauperis*. Because plaintiff previously filed four lawsuits that were dismissed for failure to state a claim or as frivolous, he is not eligible to take advantage of the installment-payment provisions of 28 U.S.C. § 1915(b) and, instead, must pay the full \$250 civil filing fee in advanced, pursuant to 28 U.S.C. § 1915(g). Accordingly, the Court issued an order on January 11, 2006 denying leave to proceed *in forma pauperis* and directing the plaintiff to remit the civil filing fee within thirty days. On January 27, 2006, plaintiff filed a motion seeking reconsideration of that order on the ground that he is unable to pay the entire filing fee at this time.

Pursuant to 28 U.S.C. § 1915(g), the Court has no discretion to permit this plaintiff

to pay the filing fee in installments unless his complaint presents a claim that he is in imminent danger of serious physical injury. For the reasons stated in the January 11, 2006 order, plaintiff's most recent complaint does not fall within the exception to § 1915(g). The motion for reconsideration is, therefore, DENIED. Unless the civil filing fee is received by the Clerk on or before February 13, 2006, the case will be dismissed for failure to prosecute and the full civil filing fee will be assessed.

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE